The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK (agenda item 2)

1. The CHAIRPERSON said he regretted to inform members of the Committee that the Uruguayan authorities, after having requested that consideration of their country's report be deferred to the last week of the session pending the receipt of certain information, had just sent a letter to the Chairman of the pre-sessional Working Group asking the Committee to postpone consideration of that report until the following session. In view of the absence of a number of States, announced at the beginning of the session, it would seem that there was an increasing tendency for States to have no scruples about simply asking for consideration of their report to be deferred. Such a practice completely undermined the system of submission of reports. In addition, there was a risk that if the Economic and Social Council were to look at the Committee's work programme for the current session, it might think that the latter was not taking its responsibilities seriously. Accordingly, the Committee would need to look very closely at the question of the unforeseen deferral of submission of reports, to see whether the time had come to take severe measures in that regard.

2. Mr. SIMMA said that, in his opinion, the Economic and Social Council, if it looked closely at the Committee's work programme, would probably take the view that it was States which were not taking their responsibilities seriously. However, it should be borne in mind that some States had received the list of issues very late, and that countries had been very busy at the beginning of the year with preparations for the World Conference. As he saw it, the situation at the current session should not be exaggerated or seen as having unduly wide implications.

3. The CHAIRPERSON said he would nevertheless like the Committee to discuss that situation again at a later meeting.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Initial report of Viet Nam (continued) (E/1990/5/Add.10; E/C.12/1993/WP.9)

4. At the invitation of the Chairperson, the Vietnamese delegation took seats at the Committee table.

5. Mr. NGUYEN LUONG (Viet Nam), resuming his replies to the questions put to the Vietnamese Government in the list of issues (E/C.12/1993/WP.9), said he would now deal with implementation of article 13, concerning the right to education. With respect to paragraph 37, concerning adult illiteracy, he pointed out that although Viet Nam had made great efforts in that field following independence and reunification, the illiteracy rate had been rising for some years. That was one of the effects of the transition to a market economy and abandonment of the welfare system. The increase in the illiteracy rate was explained by two related factors: first, the fact that the

Government no longer had sufficient resources to organize large-scale literacy campaigns, and secondly, the fact that most people were devoting less time to educating themselves because they wanted to work to boost their income. UNESCO and numerous non-governmental organizations in the developed countries were providing extremely valuable financial and technical help in raising literacy levels, and it was to be hoped that the situation would improve over the following three to five years.

6. One corollary of increasing adult illiteracy was a rise in absenteeism among pupils and students. In fact, many young people were obliged to work in order to help out their families. According to unofficial estimates, the number of pupils in general education practising absenteeism was 2 to 3 million, which was enormous. Although there was no doubt that the phenomenon was a temporary one, and the result of prevailing economic circumstances, it was having a very harmful effect on the acquisition of knowledge. There were also too few teachers in the education system because they too were obliged to take a second job to ensure their own survival. Another matter for concern was the fact that people who had once been able to read and write but had long given up the practice had now relapsed into illiteracy. As a result of the mobilization of all citizens and families, Viet Nam was now the third largest exporter of rice after Thailand and the United States of America. While guaranteeing the success of the economy, the Government was conducting and would continue to conduct education campaigns, designed to show that the acquisition of knowledge was beneficial and useful in industry and even agriculture, and to encourage adults to take training courses.

7. With regard to paragraph 38 of the list of issues, he regretted that the pre-sessional Working Group should have considered the preferential treatment given to girls, the offspring of martyrs and decorated families, and pupils belonging to ethnic minorities as constituting discrimination. If there was discrimination, it was positive discrimination, which the Vietnamese authorities would continue to practise in order to assist population groups which, either for reasons of tradition or for economic reasons, were socially disadvantaged.

8. Concerning paragraph 39, he noted that the brain drain was very difficult to avoid. In fact, an academic who might earn scarcely $100 a month in Viet Nam could earn over $1,000 in a Western country. Although the brain drain could not be avoided, it could be limited; his Government was appealing to the civic sense and patriotism of graduates, and its efforts in that area had not proved fruitless. Foreign investors were well aware that they would find in Viet Nam not only cheap labour, but also technical and scientific personnel of high calibre, needing only some further training to enable them to adapt to the new economic requirements.

9. Regarding paragraph 40, he said that latent unemployment existed among university and higher education graduates. The country was in the process of emerging from a welfare system under which unemployment had been repudiated, and staff numbers in enterprises and government departments had been excessively high. Over the past four or five years, talk had begun of lay-offs affecting university graduates, and existing work was being shared.

There was at the moment no system of unemployment benefit. Nevertheless, many graduates who had been laid off were working in the informal sector of the economy, notably in the service sector, and some of them, whose technical or linguistic skills enabled them to work for foreign agencies or companies, enjoyed good incomes.

10. In fact, the most serious problem did not arise in the case of university or college graduates: it concerned school-leavers. The number of young people entering the labour market every year was unofficially estimated at 1 million. How were those young people to be trained, and how were jobs to be created, in view of the fact that there was now more need for skilled manpower than for unskilled manpower? The many Vietnamese citizens who had returned from the former USSR or indeed from Iraq also had to be taken into account. Viet Nam was currently exporting manpower to countries such as Japan, Taiwan, Korea and Malaysia. The Government was preparing training programmes and large-scale public works projects to absorb manpower. If the United States embargo was lifted, matters would be easier. International bodies such as the World Bank, the International Monetary Fund, the Asian Development Bank and others had already drafted infrastructural development projects in Viet Nam. After the lifting of the United States embargo, the World Bank would be able to lend 300 to 350 million dollars every year, and the Asian Development Bank some 200 million dollars; official development assistance could contribute some 300 million dollars a year in non-reimbursable aid and loans.

11. It had been estimated that Viet Nam would need 1 to 1.5 billion dollars to achieve economic take-off and 4 billion dollars to achieve technical take-off. Foreign industrialists knew that it was easy to start up factories and industries in Viet Nam. It was to be hoped that with international aid the launching of large-scale construction projects and the training of a high-calibre work force, short and long-term solutions would be found to the problem of unemployment.

12. Concerning the criteria for awarding scholarships (para. 41), he said that previously all university and college students had been entitled to a scholarship. Today, in the context of the country's renewal, specific criteria for awards had been adopted: on the one hand, the ability of the student and examination marks obtained and, on the other, membership of disadvantaged social categories. As had been stated, the Government's aim was to give preferential treatment to all socially disadvantaged young people who had the will and the capacity to follow a course of study. Scholarships were awarded by the Government and by the provinces, but efforts were also being made to arrange for contracts with enterprises (in exchange for study grants, students undertook to work for the enterprise subsequently for a certain number of years). In past years, the former USSR and the former German Democratic Republic had awarded numerous scholarships and trained many Vietnamese students. Today, young people tended rather to acquire training in Western countries. For the moment, a few - at any rate, far fewer than the number of students who had gone to the former USSR or GDR - were studying in the United States, Germany, France, Italy, Switzerland, the United Kingdom, New Zealand, Australia, etc. Viet Nam stood to gain a great deal from contact with other countries in the scientific, technical and economic fields.

13. With regard to paragraph 42, he said that there were education centres for disabled persons, including deaf mutes, the blind and the functionally disabled. Such centres, which had previously been financed by the Government, had been obliged to appeal for funding to private sources, foreign aid and non-governmental organizations following the introduction of the market economy. In that connection, he again drew attention to the enormous commitment made in Viet Nam by some 100 non-governmental organizations from the developed countries.

14. Paragraph 43 concerned the problems arising for religious freedom in the field of education. He would say in reply that there were none, since freedom of religion and belief, together with its corollary, freedom not to believe, were guaranteed. As an Asian country, Viet Nam was close to traditional Buddhism, and not to Confucianism, which was not a religion but an ideology, an art of governance. Ancestor worship was very common. In addition to Buddhism, other religions existed, notably Catholicism, Protestantism, Hoa Hao, Cao Dai, and also Islam. Religious education was entirely separate from education in general. Accordingly religious freedom did not give rise to any problem.

15. Turning to the questions relating to article 15 of the International Covenant on Economic, Social and Cultural Rights, he said in connection with paragraph 44 that Viet Nam was a very large country with many different ethnic groups. The Kinh ethnic group, which was found chiefly in the plains, represented about 80 per cent of the total population. The other ethnic groups lived mostly in the mountainous regions which ran from north to south. Cultural interaction between groups was highly developed. The national language was Kinh, which was also taught to ethnic minorities; in addition, those minorities were encouraged to use their own dialects. The various ethnic groups were also entitled to defend themselves in court in their own language. Such groups had coexisted for centuries, and the Vietnamese Government was making every effort to preserve each group's characteristic features. In that connection, he mentioned that festivals of Viet Nam's traditional culture were held regularly.

16. With respect to paragraph 45, he said that the economic assistance received by Viet Nam from developed countries probably represented about one tenth of the country's development effort. Japan, France, Italy and Germany were helping Viet Nam to finance projects. The United Kingdom was participating in the assistance programme for Vietnamese in Hong Kong, who had not been granted refugee status under the Global Plan of Action (GPA). Viet Nam also benefited from United Nations multilateral aid. It was the fifth beneficiary of UNDP after China, India, Bangladesh and Ethiopia, the sixth beneficiary of the UNICEF programme, the third beneficiary of the UNFPA programme, and the sixth or seventh beneficiary of WFP.

17. The CHAIRPERSON thanked the Vietnamese delegation for having replied to the list of issues to be taken up in connection with the consideration of the initial report of Viet Nam on articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights, and invited members of the Committee to comment.

18. Mr. ALVAREZ VITA asked Mr. Nguyen Luong for details regarding various points in the report submitted by Viet Nam (E/1990/5/Add.10). Firstly, paragraph 3 of the report gave the total population of Viet Nam as 64,375,000; according to paragraph 6, the country had 6 million Buddhists and 4 million Roman Catholics, 10 million people in all. He asked what religion was practised by the remaining 50 million inhabitants. The figure seemed too large to refer to minorities only. Secondly, in paragraph 110 the literacy rate for the 15 to 50 age group was said to have declined to 80 per cent or less. Since that could lead to a drop in the young, economically active population and affect social security, covered under article 9, he would like further information on the matter. Lastly, with regard to articles 13 and 14 of the Covenant, he asked whether there was freedom of association and, if so, whether any restrictions were placed on it.

19. Mr. ROMERO said that the report bore witness to the spirit of dialogue existing between Viet Nam and the members of the Committee. He welcomed the fact that the Government of Viet Nam was engaged in adopting a new constitution and drafting a new labour code. In view of the special difficulties the country was having in implementing economic, social and cultural rights, significant results had already been achieved. However, he asked the Vietnamese delegation to provide the Committee with statistics on economic indicators so that progress on implementation of those rights could be accurately assessed.

20. Turning to specific matters, he asked, with reference to paragraph 31 of the report, what was the underlying philosophy of the committees responsible for arranging jobs for the workforce, members of which were often moved without their consent; such a policy was reminiscent of the colonial institution of the "mita". He also asked at what age children were legally permitted to work, in view of the wide use of child labour in Viet Nam, and whether the draft labour code made provision for the right to strike.

21. With regard to the general status of women, he noted that the old Constitution gave men precedence over women in the family and in family matters. He asked whether the reform of the Constitution would improve that situation and guarantee equal rights for men and women. Paragraph 70 of the report said that husbands and wives were required to observe birth control regulations. It would be interesting to know whether that campaign was dissuasive rather than coercive and what degree of freedom married couples had in the matter.

22. With respect to the principle of universal and free-of-charge education, paragraphs 103 to 107 seemed somewhat contradictory; was education absolutely or only partially free of charge? He would also like details of the literacy rate among children and school absenteeism (para. 109 of the report), since the figures given were contradictory and appeared to indicate that children began work at a very early age. He knew of a UNICEF document on the situation of women and children in Viet Nam under the "DOI MOI" plan, a five-year plan launched in 1986 to deal with post-war problems. What had been achieved under that plan?

23. Mrs. TAYA asked what use Viet Nam was making of the official development assistance provided by other countries and international organizations under the "DOI MOI" policy, the purpose of which was to industrialize the country. She asked whether decisions were taken at the governmental level to avert such adverse effects as an increase in income disparity and the further impoverishment of the poor.

24. Mrs. AHODIKPE said she had two questions for the Vietnamese delegation. In the context of the literacy campaign, she asked whether schooling was compulsory in Viet Nam. She also wished to know what Viet Nam intended to do to combat (a) employment of children in the drug trade and (b) child pornography. Did all Vietnamese citizens enjoy the right of appeal against the administrative authorities in the event of abuse of authority or violation of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights.

25. The CHAIRPERSON said that he too would like information on appeal procedures, how often they were used and what the results were.

26. Mr. GRISSA drew the attention of members of the Committee to an error in the table in paragraph 22 of the report submitted by Viet Nam (E/1990/5/Add.10). Exports for 1989 should be US$ 336.5 million, namely, the difference between imports and the deficit, and not US$ 976 million. He also wished to know the rouble exchange rate used for the table. What was the reason for the flight of large numbers of boat people and had the Vietnamese authorities tried to find a solution to the problem? Did Viet Nam have a problem with unmarried mothers? If so, how serious was it and what were the Vietnamese authorities doing about it? Was the establishment of Vietnamese non-governmental organizations encouraged? Incidentally, he found the term "positive discrimination" somewhat alarming. If scholarships were not awarded to persons on merit, such discrimination could not be other than undesirable. Similarly, did the practice of a religion have any effect on job opportunities or getting a scholarship? Did membership of the official party make it easier to get a job or a scholarship? Did the Vietnamese authorities encourage private initiative in the area of job creation?

27. Mr. TEXIER said that in paragraph 38 of its report, Viet Nam mentioned a minimum wage level stipulated by the State. However, purchasing power was what counted. He therefore asked what was happening to the purchasing power of both the least privileged and the most privileged sectors of the population, since the range of incomes had recently increased. Were industrial accidents and occupational diseases very prevalent in Viet Nam? If so, what were the causes and what was Viet Nam doing to prevent them? In the context of pluralism and trade unions, Viet Nam had in its report described relations between Vietnamese trade unions and international trade unions. Were there any instances of membership of the two major world confederations of trade unions? On another topic, he wished to know what happened to children in the event of divorce. Was divorce pronounced by the courts, and if so was the court competent to decide what would happen to the children? Was there any provision for shared responsibility for children? What was the relative proportion of home-owners to tenants? Did Viet Nam, like other

countries, have many people in sub-standard housing or homeless? Were there any endemic diseases in Viet Nam and if so what was the Government doing to combat them? Was it making use of international assistance in that respect?

28. Mrs. Visokajova took the Chair.

29. Mrs. BONOAN-DANDAN asked whether Viet Nam had a policy of teaching human rights at the primary, secondary and university levels. Were there any human rights training programmes for the police and the military? What rights did children born out of wedlock have, in particular with regard to inheritance from their parents? Were there any recent examples of proceedings brought before the courts by children born out of wedlock claiming a share of their parents' estate? She noted that Viet Nam provided no statistics on disabled persons in its report, and pointed out that the Committee took a particular interest in that issue. She therefore asked whether Viet Nam had any programmes for disabled persons, such as the war-disabled. The representative of Viet Nam had referred to "positive discrimination" in the award of certain scholarships; she asked whether the preferential treatment given to certain disadvantaged persons took their abilities into account. Was the number of persons receiving preferential treatment included in the quota of pupils eligible for scholarships? If so, how many persons were denied access to scholarships as a result of such "positive discrimination"?

30. Mrs. JIMENEZ BUTRAGUEÑO noted that the representative of Viet Nam had referred to the opportunity open to wage-earners to supplement their incomes in the informal sector. Would such a stressful situation not be liable to have a harmful effect on health? Had the Vietnamese Government considered that possibility and what measures could it take in that respect? She too considered the concept of "positive discrimination" disquieting. Scholarships ought to be granted for family reasons or according to merit and not for reasons associated with war. That would only resurrect old grievances. On the subject of salaries, she asked what salary a teacher received, for example?

31. Mrs. IDER asked how the international conventions and covenants to which Viet Nam was a party, in particular the International Covenant on Economic, Social and Cultural Rights, were incorporated within national legislation. How were such instruments publicized? Were they translated and published in booklet form or in newspapers?

32. The CHAIRPERSON said she was surprised that labour legislation did not recognize the right to strike. Was strike action considered harmful to labour discipline? Did it constitute grounds for dismissal or termination of contract?

33. Mr. Alston resumed the Chair.

34. Mr. NGUYEN LUONG (Viet Nam) said that his country was faced with demographic problems; the average age was very young, even though life expectancy was increasing. When the Vietnamese authorities spoke of slowing population growth, it was more of a slogan and a means of persuasion than an obligation. Married couples were obviously free to decide how many children they wanted to have, but the Government was doing its utmost to persuade them

of the merits of effective family planning. The problem was more acute in rural areas, where family well-being was generally regarded as proportionate to the number of children. In the towns, on the other hand, the inhabitants were generally better educated and were in favour of family planning. There was thus no coercion in the matter, although some mistakes might be made at the local level by over-zealous officials. Viet Nam followed the directives of the United Nations Fund for Population Activities.

35. It was perhaps not appropriate to use the term "positive discrimination" in relation to scholarships. What was accorded was in fact preferential treatment, without which help could not be given to the most vulnerable groups in society. Provided the procedure was carried out openly no discrimination was involved. In this case too, mistakes could be made at the local level, but in such a case the authorities took action to remedy matters.

36. Free education was provided at the primary level, namely during the first five years of schooling, but contrary to what had happened in the past, a small charge was made for higher levels of education. Teachers were not well paid and students worked in very difficult conditions; there was a shortage of premises, for example. As a result, the level of education was not always adequate and extra courses proliferated. Viet Nam would have to find a way to solve that social problem.

37. In reply to Mr. Texier's question on endemic disease, he acknowledged that there had been a resurgence of malaria in his country, due in particular to an influx from surrounding countries of parasites resistant to conventional products. Viet Nam was the second country after China to produce artemisinin, which was very effective. Unfortunately, the quantities being produced were still insufficient and Viet Nam might well appeal to private laboratories for assistance.

38. The minimum wage must be considered in terms of purchasing power. The figures put forward varied from US$ 5 to 35, but it should be remembered that they had been converted from figures given in dông, which had a greater purchasing power than its equivalent in dollars. It was only in the private sector that a monthly wage of US$ 50 was possible. At the same time, opportunities for work in the informal sector were increasing. Teachers gave additional courses, as had been seen, pharmacies stocked products from various sources, and so forth. The Vietnamese Government was endeavouring, in collaboration with ILO, to find ways of stabilizing the minimum wage. Viet Nam had moved from a system of subsidized prices and rationing to free market prices; subsidies had gone, but wages had increased. Between 1986 and 1988, inflation had been high, but since then the situation had settled down and the same went for purchasing power. However, it had to be acknowledged that although the minimum wage was enough to live on, it was nevertheless inadequate; the Ministry of Labour was planning very gradually to make changes in wage scales.

39. Replying to the question on occupational diseases and industrial accidents, he explained that workers, especially those at greatest risk - miners, cement works employees and others, were entitled to medical care. Viet Nam was at present working with ILO and other institutions to draw up

legislation and establish a system of benefits in the occupational health field. It had only limited funds and inadequate technology to cope with occupational diseases and would be seeking help from international organizations.

40. Replying to Mrs. Bonoan-Dandan's question on marriage, he stated that the law did not distinguish between boys and girls, between children born to different marriages, or between children born in or out of wedlock. A child seeking a legal remedy could approach a trade union, the Women's Union or a young people's organization to help him prepare a case for submission to the courts. With regard to visiting rights and the responsibilities of parents in the event of divorce, he noted that legislation existed but was difficult to enforce in practice. The Women's Union offered counselling services to separated couples on dealing with their children. It was thought the pressure of public opinion in favour of certain standards of conduct would have more effect than legislation in changing attitudes.

41. On the subject of refugees, he noted that the situation of the boat people had been completely politicized. In Viet Nam efforts had been made to encourage them to leave the country; abroad, efforts had been made to attract them. Viet Nam was now being asked to take its citizens back; some of them had been in camps for over 10 years and others could no longer be considered as refugees. Repatriation had three aspects: it was being carried out in conditions of security, in dignity and with appropriate international assistance. Viet Nam was also looking for assistance in reintegrating refugees in their communities. The initial stages of repatriation had been very difficult. The Office of the High Commissioner for Refugees had been given by Mr. Perez de Cuellar a broad mandate that provided for cooperation with the country of first asylum and the country of origin. However, work had been hampered by the refusal to consider the development aspect and by the wish to provide humanitarian assistance alone. Many Vietnamese had managed to put by tidy sums by leaving for Hong Kong, for example, and then having themselves repatriated, thus making almost US$ 2,000. Humanitarian assistance was at present being supplemented by development assistance, which had enabled communities to create jobs. The European Community had given assistance worth 10 million ECU (US$ 13 million) for the first phase of the project. The second phase would soon be initiated; the Office of the High Commissioner had assured him that funds would be forthcoming for 1993. Once that phase had been completed, the small number of refugees remaining would be absorbed naturally.

42. To the question on the state of private enterprise, he replied that five categories of ownership existed at present: public, collective, capitalist, individual - or private - and mixed (a form of joint ownership by the State and private interests). The 1980 Constitution provided for only two: public ownership and collective ownership. The change gave evidence of an effort to legalize procedures which had already been introduced by the investment code. The Vietnamese private sector at present enjoyed the same benefits as foreign investors, provided investment was made in one of the seven special economic zones. The establishment of the private sector, which had been entrusted to a central council, was now complete.

43. Replying to Mr. Romero's question on freedom of religion, he said that Viet Nam had a population of 70.8 million, over 10 million of whom were Christian and the same number Buddhists. Buddhism was a religion embodying a way of life founded on criteria of good and evil rather than a faith. Anyone, even a non-Buddhist, could visit a pagoda. The rest of the population practised ancestor worship but lived according to Buddhist principles. However, it was quite common in Viet Nam not to practise any religion. That was why religion played no part in access to employment or education. The only rule was compliance with the law and the curruculum. Hence, although a teacher might voice his own views at conferences, seminars or meetings, he was expected to keep strictly to the established curriculum during classes.

The meeting rose at 1 p.m.